TITLE 39.—POSTAL SERVICE

This title was enacted by Pub. L. 91–375, § 2, Aug. 12, 1970, 84 Stat. 719

TABLE II

This Table lists the sections of revised Title 39, Postal Service, and indicates the sections of former Title 39, The Postal Service, which covered similar and related subject matter.

Title 39 new sections	*Title 39 former sections*
101	2301, 2302, 6005, 6107.
102	1.
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202	501.
203	302, 304.
204	305, 307, 308a.
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206	306.
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401	501, 508, 510, 2001–2006, 2101–2106, 2108, 2110–2112, 2114, 2115, 2207, 2208, 2211.
402	309.
403	2, 501, 504, 701, 702, 2302.
404	501, 507, 509, 701, 705, 707–710, 2007–2209, 2011, 2407, 2411, 2501–2505, 2507–2510, 4051, 4052, 4057, 4101–4103, 4105, 4107, 4109, 6001, 6002.
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406	705, 712.
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408	506.
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410	2114.
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602	902.
603	903.
604	904.
605	905.
606	906.
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1003	3106, 3501.
1004	
1005	2306, 3334.
1006	3105, 3333.
1007	3337.
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1009	3104.
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2004	2201.
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2008	2206–2208, 2211.
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3003	4003.
3004	4004.
3005	4005.
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3010	
3011	
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3207	4158.
3208	4159.
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3214	4165.
3215	4166.
3216	4167.
3217	4168.
3218	4171.
3401	2303, 4169, 4303, 4560.
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3403	2303, 4653.
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3621	2302–2304, 2306.
3622	507, 2302–2304.
3623	2302–2304, 4057, 4251.
3624	2304.
3625	2304.
3626	2304, 4358, 4359, 4421, 4422, 4452, 4554.
3627	2303, 2304, 4358, 4359, 4421, 4422, 4452, 4554.
3628	2304.
3641	2302–2304.
3661	2302–2304.
3662	6212.
3681	4055.
3682	4252, 4305, 4552, 4554.

Title 39 new sections	*Title 39 former sections*
3683	4554.
3684	
3685	4369.
5001	6101.
5002	6103.
5003	6105.
5004	6106.
5005	6104, 6402, 6403, 6407, 6411–6413, 6416, 6422, 6423.
5006	6432.
5007	6203, 6433.
5201	6201, 6401.
5202	6202.
5203	6203, 6204.
5204	6204, 6205.
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5206	6207.
5207	6208.
5208	6209.
5209	6210.
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5213	6216.
5214	6402a.
5215	6402.
5401	6301.
5402	6302, 6303.
5403	6304.
5601	6404.
5602	6406.
5603	6410.
5604	6435.
5605	6405, 6408, 6413.

SHORT TITLE

Section 1 of Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 719, provided: "That this Act [which revised this title, enacted sections 1735–1737 of Title 18, amended section 356 of Title 2, section 19(d)(1) of Title 3, sections 101, 104(1), 2104, 2105, 3104, 3304(a), 4301(1), 5102(c), 5303(a), 5304, 5312, 5314–5316, 5541(2), 6301(2)(ii), 6323, 7101, and 8344 of Title 5, sections 24 seventh par., 1701d–3(c), and 1701e (a) of Title 12, section 637(b)(15) of Title 15, section 460*l*–1(f) of Title 16, section 8 of Title 17, sections 12, 440, 441, 500, 501, 612, 876, 877, 1114, 1303, 1341, 1342, 1463, 1696(c), 1699, 1703, 1704, 1707, 1709–1713, 1715, 1716, 1716A, 1717(b), 1718, 1721–1725, 1729, 1730, 1733, and 3061 of Title 18, section 611(d) of Title 22, sections 72 fifth par., 129, and 724a of Title 31, sections 356(f), 474 (15), 615, 723, and 724 of Title 40, and section 2942(1) of Title 42, repealed section 3327 of Title 5 and section 1028 of Title 31, and enacted provisions set out as notes hereunder and under sections 201, 601, 1001, 1003, 1201, 2002, 2004, 3010, and 3621 of this title] may be cited as the 'Postal Reorganization Act'."

Part I.—GENERAL

Chapter 2.—ORGANIZATION

§ 206. Advisory Council.

TERMINATION OF ADVISORY COUNCILS

Advisory Council in existence on January 5, 1973, to terminate not later than the expiration of the two-year period following January 5, 1973, unless, in the case of a Council established by the President or an officer of the Federal Government, such Council is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a Council established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

Chapter 4.—GENERAL AUTHORITY

§ 406. Postal services at Armed Forces installations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3401 of this title.

§ 410. Application of other laws.

* * * * * *

(b) The following provisions shall apply to the Postal Service:

(1) section 552 (public information), section 3110 (restrictions on employment of relatives), section 3333 and chapters 71 (employee policies) and 73 (suitability, security, and conduct of employees), section 5520 (withholding city income or employment taxes), and section 5532 (dual pay) of title 5, except that no regulation issued under such chapters or section shall apply to the Postal Service unless expressly made applicable;

* * * * * *

(5) the following provisions of title 41:

(A) sections 35–45 (known as the Walsh-Healey Act, relating to wages and hours); and

(B) chapter 6 (the Service Contract Act of 1965);

(6) sections 2000d, 2000d–1—2000d–4 of title 42 (title VI, the Civil Rights Act of 1964); and

(7) section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668).

* * * * * *

(As amended Pub. L. 93–340, § 2, July 10, 1974, 88 Stat. 294; Pub. L. 94–82, title I, § 101, Aug. 9, 1975, 89 Stat. 419.)

AMENDMENTS

1975—Subsec. (b)(7). Pub. L. 94–82 added subsec. (b)(7).

1974—Subsec. (b)(1). Pub. L. 93–340 inserted "section 5520 (withholding city income or employment taxes)," preceding "and section 5532 (dual pay)".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–340 effective on the 90th day following July 10, 1974, see section 3 of Pub. L. 93–340, set out as a note under section 5520 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3604 of this title.

Part II.—PERSONNEL

Chapter 10.—EMPLOYMENT WITHIN THE POSTAL SERVICE

§ 1004. Supervisory and other managerial organizations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1005 of this title.

§ 1005. Applicability of laws relating to Federal employees.

(a)(1) Except as otherwise provided in this subsection, the provisions of chapter 75 of title 5 shall apply to officers and employees of the Postal Service except to the extent of any inconsistency with—

(A) the provisions of any collective-bargaining agreement negotiated on behalf of and applicable to them; or

(B) procedures established by the Postal Service and approved by the Civil Service Commission.

(2) The provisions of title 5 relating to a preference eligible (as that term is defined under section 2108(3) of such title) shall apply to an applicant for appointment and any officer or employee of the Postal Service in the same manner and under the

same conditions as if the applicant, officer, or employee were subject to the competitive service under such title. The provisions of this paragraph shall not be modified by any program developed under section 1004 of this title or any collective-bargaining agreement entered into under chapter 12 of this title.

* * * * *

(d) Officers and employees of the Postal Service (other than the Governors) shall be covered by chapter 83 of title 5 relating to civil service retirement. The Postal Service shall withhold from pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in such chapter. The Postal Service shall pay into the Civil Service Retirement and Disability Fund the amounts determined by the Civil Service Commission under section 8348(h) of title 5.

* * * * *

(f) Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the former Post Office Department or the executive branch of the Government of the United States, shall continue to apply to officers and employees of the Postal Service, until changed by the Postal Service in accordance with this chapter and chapter 12 of this title. Subject to the provisions of this chapter and chapter 12 of this title, the provisions of subchapter I of chapter 85 and chapters 87 and 89 of title 5 shall apply to officers and employees of the Postal Service, unless varied, added to, or substituted for, under this subsection. No variation, addition, or substitution with respect to fringe benefits shall result in a program of fringe benefits which on the whole is less favorable to the officers and employees than fringe benefits in effect on the effective date of this section, and as to officers and employees for whom there is a collective-bargaining representative, no such variation, addition, or substitution shall be made except by agreement between the collective-bargaining representative and the Postal Service. (Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 731, amended Pub. L. 93–349, § 2, July 12, 1974, 88 Stat 354.)

AMENDMENTS

1974—Subsec. (d). Pub. L. 93–349 substituted requirement that the Postal Service pay into the Civil Service Retirement and Disability Fund the amounts determined by the Civil Service Commission under section 8348(h) of Title 5, Government Organization and Employees, for requirement that the Postal Service pay to the Civil Service Commission upon request of the Civil Service Commission but not less frequently than annually the costs reasonably related to the administration of Fund activities for officers and employees of the Postal Service.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 3 of Pub. L. 93–349 provided that: "The effective date of this Act [amending subsec. (d) of this section and section 8348 of Title 5, Government Organization and Employees] shall be July 1, 1971, except that the Postal Service shall not be required to make (1) the payments due June 30, 1972, June 30, 1973, and June 30, 1974, attributable to pay increases granted by the Postal Service prior to July 1, 1973, until such time as funds are appropriated to the Postal Service for that purpose, and (2) the transfer to the Civil Service Retirement and Disability Fund required by title II of the Treasury, Postal Service, and General Government Appropriation Act, 1974, Public Law 93–143 [which is not classified to the Code]."

Part III.—MODERNIZATION AND FISCAL ADMINISTRATION

Chapter 20.—FINANCE

§ 2002. Capital of the Postal Service.

EX. ORD. NO. 11672. TRANSFER OR FURNISHING OF PROPERTY

Ex. Ord. No. 11672, June 6, 1972, 37 F.R. 11455, provided:

By virtue of the authority vested in me by the Postal Reorganization Act (39 U.S.C. 2002(d)) and section 301 of title 3 of the United States Code, and as President of the United States it is hereby ordered as follows:

SECTION 1. The authority conferred upon the President by section 2002(d) of title 39 of the United States Code is hereby delegated to the Administrator of General Services subject to the provisions of this order.

SEC. 2. Property transferred to the Postal Service under this order shall be subject to reimbursement at fair market value, as agreed to by the Administrator of General Services and the Postmaster General, unless the Director of the Office of Management and Budget finds that a different basis of valuation, or transfer without reimbursement, is more equitable or better serves the public interest.

SEC. 3. Reimbursement of fair market value required for property transfers to the Postal Service under this order may consist of cash payments or, subject to approval by the Director of the Office of Management and Budget, property transferred from the Postal Service to other departments, agencies, or independent establishments of the Government of the United States, or both cash and approved properties.

SEC. 4. Heads of agencies furnishing property to the Postal Service under section 411 of title 39 of the United States Code shall require reimbursement at fair market value of such property or at a rate based on appropriate commercial charges for comparable property, as agreed to by the agency head and the Postmaster General, unless the Director of the Office of Management and Budget finds that a different basis of valuation is more equitable or better serves the public interest.

SEC. 5. Delegations of authority made in this order may be redelegated.

RICHARD NIXON.

§ 2009. Annual budget.

The Postal Service shall cause to be prepared annually a budget program which shall be submitted to the Office of Management and Budget, under such rules and regulations as the President may establish as to the date of submission, the form and content, the classifications of data, and the manner in which such budget program shall be prepared and presented. The budget program shall be a business-type budget, or plan of operations, with due allowance given to the need for flexibility, including provision for emergencies and contingencies, in order that the Postal Service may properly carry out its activities as authorized by law. The budget program shall contain estimates of the financial condition and operations of the Postal Service for the current and ensuing fiscal years and the actual condition and results of operation for the last completed fiscal year. Such budget program shall include a statement of financial condition, a statement of income and expense, an analysis of surplus or deficit, a statement of sources and application of funds, and such other supplementary statements and information as are necessary or desirable to make known the financial condition and operations of the Postal Service. Such statements shall include estimates of operations by major

types of activities, together with estimates of administrative expenses and estimates of borrowing. The budget program shall also include separate statements of the amounts which the Postal Service requests to be appropriated under subsections (b) and (c) of section 2401 of this title. The President shall include these amounts, with his recommendations but without revision, in the budget transmitted to Congress under section 11 of title 31. (As amended Pub. L. 93–328, § 3, June 30, 1974, 88 Stat. 288.)

AMENDMENTS

1974—Pub. L. 93–328 required the budget program to include separate statements of the amounts which the Postal Service requests to be appropriated under section 2401 (b) and (c) of this title and the President to include these amounts in the budget transmitted to Congress.

Chapter 24.—APPROPRIATIONS AND ANNUAL REPORT

§ 2401. Appropriations.

REFERENCES IN TEXT

The Federal Voting Assistance Act of 1955, referred to in subsec. (c), is classified to section 1973cc et seq. of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2009 of this title.

Part IV.—MAIL MATTER

Chapter 30.—NONMAILABLE MATTER

§ 3001. Nonmailable matter.

* * * * *

(g) The district courts, together with the District Court of the Virgin Islands and the District Court of Guam, shall have jurisdiction, upon cause shown, to enjoin violations of section 1716 of title 18. (As amended Pub. L. 92–191, § 2, Dec. 15, 1971, 85 Stat. 647.)

AMENDMENTS

1971—Subsec. (g). Pub. L. 92–191 added subsec. (g).

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–191 effective at the beginning of the third calendar month following Dec. 15, 1971, or on the date that this section becomes effective pursuant to section 15(a) of Pub. L. 91–375, which is set out as a note preceding section 101 of this title, whichever is later, see section 3 of Pub. L. 92–191, set out as a note under section 1716 of Title 18, Crimes and Criminal Procedure.

§ 3005. False representations; lotteries.

* * * * *

(d) Nothing in this section shall prohibit the mailing of (1) a newspaper of general circulation published in a State containing advertisements, lists of prizes, or information concerning a lottery conducted by that State acting under authority of State law, or (2) tickets or other materials concerning such a lottery within that State to addresses within that State. For the purposes of this subsection, "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States. (As amended Pub. L. 93–583, § 4, Jan. 2, 1975, 88 Stat. 1916.)

AMENDMENTS

1975—Subsec. (d). Pub. L. 93–583 added subsec. (d).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3007 of this title.

Chapter 32.—PENALTY AND FRANKED MAIL

Sec.
3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials.
3214. Mailing privilege of former President; surviving spouse of former President.
3219. Mailgrams.

AMENDMENTS

1973—Pub. L. 93–191, §§ 1(b), 4(b), 12(b), Dec. 18, 1973, 87 Stat. 741, 742, 746, substituted in item 3210 "Franked mail transmitted by the Vice President, Members of Congress, and congressional officials" for "Official correspondence of Vice President and Members of Congress"; substituted in item 3214 "President; surviving spouse of former President" for "Presidents"; and added item 3219, respectively.

§ 3202. Penalty mail.

PAYMENT OF POSTAGE FOR STATE UNEMPLOYMENT COMPENSATION SYSTEMS AND EMPLOYMENT SERVICES

Section 100 of Pub. L. 92–80, title I, Aug. 10, 1971, 85 Stat. 287, provided in part that: "Such amounts as may be agreed upon by the Department of Labor and the Post Office Department shall be used for the payment, in such manner as said parties may jointly determine, of postage for the transmission of official mail matter in connection with the administration of unemployment compensation systems and employment services by States receiving grants herefrom."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 29 section 49b.

§ 3204. Restrictions on use of penalty mail.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 5042.

§ 3206. Reimbursement for penalty mail service.

* * * * *

(d) The Department of State shall transfer to the Postal Service as postal revenues out of appropriations made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (1)(C) and (D) of section 3202(a) of this title. (As amended Pub. L. 93–191, § 9, Dec. 18, 1973, 87 Stat. 745.)

AMENDMENTS

1973—Subsec. (d). Pub. L. 93–191 added subsec. (d).

EFFECTIVE DATE OF 1973 AMENDMENT

Subsec. (d) of this section effective Dec. 18, 1973, see section 14 of Pub. L. 93–191, set out as a note under section 3210 of this title.

§ 3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials.

(a)(1) It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States.

(2) It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of infor-

mation to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.

(3) It is the intent of the Congress that mail matter which is frankable specifically includes, but is not limited to—

(A) mail matter to any person and to all agencies and officials of Federal, State, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress;

(B) the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decisions on State and local governments and individual citizens; reports on public and official actions taken by Members of Congress; and discussions of proposed or pending legislation or governmental actions and the positions of the Members of Congress on, and arguments for or against, such matters;

(C) the usual and customary congressional questionnaire seeking public opinion on any law, pending or proposed legislation, public issue, or subject;

(D) mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district offices;

(E) mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of State and local governments;

(F) mail matter expressing condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public distinction;

(G) mail matter, including general mass mailings, which consists of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information;

(H) mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner;

(I) mail matter which constitutes or includes a biography or autobiography of any Member of, or Members elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as a part of a Federal publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege; or

(J) mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text.

(4) It is the intent of the Congress that the franking privilege under this section shall not permit, and may not be used for, the transmission through the mails as franked mail, of matter which in its nature is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the public officials covered by subsection (b)(1) of this section.

(5) It is the intent of the Congress that a Member of or Member-elect to Congress may not mail as franked mail—

(A) mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect;

(B) mail matter which constitutes or includes—

(i) greetings from the spouse or other members of the family of such Member or Member-elect;

(ii) reports of how or when such Member or Member-elect, or the spouse or any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect; or

(iii) any card expressing holiday greetings from such Member or Member-elect;

(C) mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office; or

(D) any mass mailing when the same is mailed at or delivered to any postal facility less than 28 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which such Member or Member-elect is a candidate for public office. For the purpose of this clause (D), the term "mass mailing" shall mean newsletters and similar mailings of more than 500 pieces in which the content of the matter mailed is substantially identical but shall not apply to mailings—

(i) which are in direct response to inquiries or requests from the persons to whom the matter is mailed;

(ii) to colleagues in Congress or to government officials (whether Federal, State, or local); or

(iii) of news releases to the communications media.

The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations and shall take such other action, as the Commission or

Committee considers necessary and proper for the Members and Members-elect to conform to the provisions of this clause and applicable rules and regulations. Such rules and regulations shall include, but not be limited to, provisions prescribing the time within which such mailings shall be mailed at or delivered to any postal facility to attain compliance with this clause and the time when such mailings shall be deemed to have been so mailed or delivered and such compliance attained.

(b)(1) The Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), and the Legislative Counsels of the House of Representatives and the Senate, may send, as franked mail, matter relating to their official business, activities, and duties, as intended by Congress to be mailable as franked mail under subsection (a)(2) and (3) of this section.

(2) If a vacancy occurs in the Office of the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), or the Legislative Counsel of the House of Representatives or the Senate, any authorized person may exercise the franking privilege in the officer's name during the period of the vacancy.

(3) The Vice President, each Member of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and each of the elected officers of the House (other than a Member of the House), during the 90-day period immediately following the date on which they leave office, may send, as franked mail, matter on official business relating to the closing of their respective offices. The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations, and shall take such other action as the Commission or Committee considers necessary and proper, to carry out the provisions of this paragraph.

(c) Franked mail may be in any form appropriate for mail matter, including, but not limited to, correspondence, newsletters, questionnaires, recordings, facsimiles, reprints, and reproductions. Franked mail shall not include matter which is intended by Congress to be nonmailable as franked mail under subsection (a)(4) and (5) of this section.

(d)(1) A Member of the House may mail franked mail with a simplified form of address for delivery—

(A) within that area constituting the congressional district from which he was elected; and

(B) on and after the date on which the proposed redistricting of congressional districts in his State by legislative or judicial proceedings is initially completed (whether or not the redistricting is actually in effect), within any additional area of each congressional district proposed or established in such redistricting and containing all or part of the area constituting the congressional district from which he was elected, unless and until the congressional district so proposed or established is changed by legislative or judicial proceedings.

(2) A Member-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district from which he was elected.

(3) A Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within the area from which he was elected.

(4) Franked mail mailed with a simplified form of address under this subsection—

(A) shall be prepared as directed by the Postal Service; and

(B) may be delivered to—

(i) each box holder or family on a rural or star route;

(ii) each post office box holder; and

(iii) each stop or box on a city carrier route.

(5) For the purposes of this subsection, a congressional district includes, in the case of a Representative at Large or Representative at Large-elect, the State from which he was elected.

(e) The frankability of mail matter shall be determined under the provisions of this section by the type and content of the mail sent, or to be sent. Notwithstanding any other provision of law, the cost of preparing or printing mail matter which is frankable under this section may be paid from any funds, including, but not limited to, funds collected by a candidate or a political committee required to file reports of receipts and expenditures under the Federal Election Campaign Act of 1971 (Public Law 92–225), or from voluntary newsletter funds, or from similar funds administered and controlled by a Member or by a committee organized to administer such funds.

(f) Notwithstanding any other provision of Federal, State, or local law, or any regulation thereunder, the equivalent amount of postage determined under section 3216 of this title on franked mail mailed under the frank of the Vice President or a Member of Congress, and the cost of preparing or printing such frankable matter for such mailing under the frank, shall not be considered as a contribution to, or an expenditure by, the Vice President or a Member of Congress for the purpose of determining any limitation on expenditures or contributions with respect to any such official, imposed by any Federal, State, or local law or regulation, in connection with any campaign of such official for election to any Federal office. (As amended Pub. L. 92–51, § 101, July 9, 1971, 85 Stat. 132; Pub. L. 93–191, § 1(a), Dec. 18, 1973, 87 Stat. 737; Pub. L. 94–177, Dec. 23, 1975, 89 Stat. 1032.)

REFERENCES IN TEXT

For classification of Federal Election Campaign Act of 1971 (Public Law 92–225), referred to in subsec. (e) and principally classified to chapter 14 of Title 2, see Short Title note set out under section 431 of Title 2, The Congress.

AMENDMENTS

1975—Subsec. (b)(1). Pub. L. 94–177, § 1(a), struck out "and" preceding "each of the elected officers", and "until the 1st day of April following the expiration of their respective terms of office" following "(other than a Member of the House)".

Subsec. (b)(3). Pub. L. 94–177, § 1(b), added subsec. (b)(3).

1973—Subsec. (a). Pub. L. 93–191 added subsec. (a). Former first sentence provided in part for franked mail (1) matter, not exceeding 4 pounds in weight, upon official or departmental business, to a Government official, and (2) correspondence, not exceeding 4 ounces in weight, upon official business to any person.

Subsec. (b)(1). Pub. L. 93–191 incorporated part of former first sentence in provisions designated as subsec. (b)(1), substituted reference to elected officers of the House of Representatives (other than a Member of the House) for former references to Clerk of the House of Representatives and the Sergeant at Arms of the House of Representatives, included reference to Legislative Counsel of the Senate, substituted the 1st day of April for the thirtieth day of June, and substituted internal reference to subsec. (a)(2) and (3) of this section for former provision respecting franked mail (1) matter, not exceeding 4 pounds in weight, upon official or departmental business, to a Government official, and (2) correspondence, not exceeding 4 ounces in weight, upon official business to any person.

Subsec. (b)(2). Pub. L. 93–191 incorporated former second sentence in provisions designated as subsec. (b)(2), substituted provision respecting vacancy in the Office of an elected officer of the House of Representatives (other than a Member of the House) for former provision respecting vacancy in the office of the Clerk of the House of Representatives and the Sergeant at Arms of the House of Representatives and included provision for vacancy in the Office of Legislative Counsel of the Senate.

Subsecs. (c) to (f). Pub. L. 93–191 added subsecs. (c) to (f).

1971—Pub. L. 92–51 authorized franked mail for Legislative Counsel of the House of Representatives and for exercise of the privilege during a vacancy in such office by any authorized person in the officer's name.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 14 of Pub. L. 93–191 provided that:

"(a) Except as provided in subsection (b) of this section, the provisions of this Act [enacting section 3219 of this title and sections 501 and 502 of Title 2, amending sections 3206, 3210–3212, 3215, 3216(a), (c), (d), and 3218 of this title and sections 733 and 907 of Title 44, and repealing section 277 of Title 2] shall become effective on the date of enactment of this Act [Dec. 18, 1973].

"(b) The provisions of section 3214 of title 39, United States Code, as amended by section 4 of this Act [section 3214 of this title]; and the provisions of subsection (b) of section 3216 of title 39, United States Code, as amended by section 7 of this Act [section 3216(b) of this title], shall take effect as of December 27, 1972."

SEPARABILITY OF PROVISIONS

Section 15 of Pub. L. 93–191 provided that: "If a provision of this Act [enacting section 3219 of this title and sections 501 and 502 of Title 2, amending sections 3206, 3210–3212, 3214–3216, and 3218 of Title 39 and sections 733, 907 of Title 44, and repealing section 277 of Title 2] is held invalid, all valid provisions severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, such provision remains in effect in all valid applications severable from the invalid application or applications."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3201, 3212, 3219 of this title; title 2 section 31b–4; title 44 section 907.

§ 3211. Public documents.

The Vice President, Members of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House) until the first day of April following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress. (As amended Pub. L. 93–191, § 2, Dec. 18, 1973, 87 Stat. 741.)

AMENDMENTS

1973—Pub. L. 93–191 substituted "each of the elected officers of the House of Representatives (other than a Member of the House) until the first day of April" for "the Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, until the thirtieth day of June."

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–191 effective Dec. 18, 1973, see section 14 of Pub. L. 93–191, set out as a note under section 3210 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3201 of this title; title 2 sections 31b–4, 501, 502.

§ 3212. Congressional Record under frank of Members of Congress.

(a) Members of Congress may send the Congressional Record as franked mail.

(b) Members of Congress may send, as franked mail, any part of, or a reprint of any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210 of this title. (As amended Pub. L. 93–191, § 3, Dec. 18, 1973, 87 Stat. 741.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–191 incorporated existing text in provisions designated as subsec. (a).

Subsec. (b). Pub. L. 93–191 incorporated existing text in provisions designated as subsec. (b), authorized sending, as franked mail, reprints of parts of Congressional Record, and authorized the mailing of Congressional Record if the listed matter is mailable as franked mail under section 3210 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–191 effective Dec. 18, 1973, see section 14 of Pub. L. 93–191, set out as a note under section 3210 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3201 of this title; title 2 sections 501, 502.

§ 3213. Seeds and reports from Department of Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 sections 31b–4, 501, 502.

§ 3214. Mailing privilege of former President; surviving spouse of former President.

A former President and the surviving spouse of a former President may send nonpolitical mail within the United States and its territories and possessions as franked mail. Such mail of a former President and of the surviving spouse of a former President marked "Postage and Fees Paid" in the manner prescribed by the Postal Service shall be accepted by the Postal Service for transmission in the international mails. (As amended Pub. L. 93–191, § 4(a), Dec. 18, 1973, 87 Stat. 742.)

AMENDMENTS

1973—Pub. L. 93–191 limited the mailing privilege to nonpolitical mail, extended the privilege to surviving spouse of former President and provided for acceptance of such mail marked "Postage and Fees Paid" by the Postal Service for transmission in the international mails.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–191 effective Dec. 27, 1972, see section 14 of Pub. L. 93–191, set out as a note under section 3210 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3201, 3216 of this title.

§ 3215. Lending or permitting use of frank unlawful.

A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any standing, select, special, or joint committee, or subcommittee thereof, or commission, of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate. (As amended Pub. L. 93–191, § 10, Dec. 18, 1973, 87 Stat. 746.)

AMENDMENTS

1973—Pub. L. 93–191 substituted provision for nonapplication of section to "any standing, select, special, or joint committee, or subcommittee thereof, or commission, of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate" for such nonapplication to "any committee composed of Members of Congress".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–191 effective Dec. 18, 1973, see section 14 of Pub. L. 93–191, set out as a note under section 3210 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3201 of this title; title 2 sections 282d, 501, 502.

§ 3216. Reimbursement for franked mailings.

(a) The equivalent of—

(1) postage on, and fees and charges in connection with, mail matter sent through the mails—

(A) under the franking privilege (other than under section 3219 of this title), by the Vice President, Members of and Members-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), and the Legislative Counsels of the House of Representatives and the Senate; and

(B) by the surviving spouse of a Member of Congress under section 3218 of this title; and

(2) those portions of fees and charges to be paid for handling and delivery by the Postal Service of Mailgrams considered as franked mail under section 3219 of this title;

shall be paid by a lump-sum appropriation to the legislative branch for that purpose and then paid to the Postal Service as postal revenue. Except as to Mailgrams and except as provided by sections 733 and 907 of title 44, envelopes, wrappers, cards, or labels used to transmit franked mail shall bear, in the upper right-hand corner, the sender's signature, or a facsimile thereof.

(b) Postage on, and fees and charges in connection with, mail matter sent through the mails under section 3214 of this title shall be paid each fiscal year, out of any appropriation made for that purpose, to the Postal Service as postal revenue in an amount equivalent to the postage, fees, and charges which would otherwise be payable on, or in connection with, such mail matter.

(c) Payment under subsection (a) or (b) of this section shall be deemed payment for all matter mailed under the frank and for all fees and charges due the Postal Service in connection therewith.

(d) Money collected for matter improperly mailed under the franking privilege shall be deposited as miscellaneous receipts in the general fund of the Treasury. (As amended Pub. L. 92–51, § 101, July 9, 1971, 85 Stat. 132; Pub. L. 93–191, § 7, Dec. 18, 1973, 87 Stat. 745; Pub. L. 93–255, § 2(a), Mar. 27, 1974, 88 Stat. 52.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–255 struck out the words ", and the printed words 'Postage paid by Congress' " at end of last sentence.

1973—Subsec. (a). Pub. L. 93–191 incorporated existing text in provisions designated as par. 1 (A) and (B); substituted in subpar. (a) reference to elected officers of the House of Representatives (other than a Member of the House) for former references to the Clerk of the House of Representatives and the Sergeant at Arms of the House of Representatives; included in subpar. (A) reference to Legislative Counsel of the Senate; added subsec. (a)(2) and provision for the sender's signature, or facsimile thereof, and printed words "Postage paid by Congress" in upper right-hand corner on transmitted franked mail.

Subsec. (b). Pub. L. 93–191 added subsec. (b). Former subsec. (b) provided that "The postage on mail matter sent through the mails under the franking privilege by former Presidents shall be paid by reimbursement of the postal revenues each fiscal year out of the general funds of the Treasury in an amount equivalent to the postage which would otherwise be payable on the mail matter."

Subsecs. (c), (d). Pub. L. 93–191 added subsecs. (c) and (d).

1971—Subsec. (a). Pub. L. 92–51 provided for reimbursement of Legislative Counsel of House of Representatives for franked mailings.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment of subsec. (a) and enactment of subsecs. (c) and (d) by Pub. L. 93–191 effective Dec. 18, 1973, and amendment of subsec. (b) by Pub. L. 93–191 effective Dec. 27, 1972, see section 14 of Pub. L. 93–191, set out as a note under section 3210 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3201, 3210, 3219 of this title; title 2 section 31b–4.

§ 3218. Franked mail for surviving spouses of Members of Congress.

Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member may send, for a period not to exceed 180 days after his death, as franked mail, nonpolitical correspondence relating to the death of the Member. (As amended Pub. L. 93–191, § 11, Dec. 18, 1973, 87 Stat. 746.)

AMENDMENTS

1973—Pub. L. 93–191 inserted "nonpolitical" preceding "correspondence".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–191 effective Dec. 18, 1973, see section 14 of Pub. L. 93–191, set out as a note under section 3210 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3201, 3216 of this title; title 2 sections 501, 502.

§ 3219. Mailgrams.

Any Mailgram sent by the Vice President, a Member of or Member-elect to Congress, the Secretary

of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), or the Legislative Counsel of the House of Representatives or the Senate, and then delivered by the Postal Service, shall be considered as franked mail, subject to section 3216(a)(2) of this title, if such Mailgram contains matter of the kind authorized to be sent by that official as franked mail under section 3210 of this title. (Added Pub. L. 93–191, § 12(a), Dec. 18, 1973, 87 Stat. 746.)

EFFECTIVE DATE

Section effective Dec. 18, 1973, see section 14 of Pub. L. 93–191, set out as a note under section 3210 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3216 of this title; title 2 sections 501, 502.

Chapter 34.—ARMED FORCES AND FREE POSTAGE

§ 3401. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations.

* * * * *

(b) There shall be transported by air, between Armed Forces post offices which are located outside the 48 contiguous States of the United States or between any such Armed Forces post office and the point of embarkation or debarkation within the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, the Virgin Islands, or the Canal Zone, on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, the following categories of mail matter:

(1)(A) letter mail or sound-recorded communications having the character of personal correspondence;

(B) parcels not exceeding 15 pounds in weight and 60 inches in length and girth combined; and

(C) publications entitled to a periodical publication rate published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public,

which are mailed at or addressed to any such Armed Forces post office;

(2) parcels not exceeding 70 pounds in weight and 100 inches in length and girth combined, which are mailed at any such Armed Forces post office; and

(3) parcels exceeding 15 pounds but not exceeding 70 pounds in weight and not exceeding 100 inches in length and girth combined, including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.

Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with this subsection, the transportation of such mail may be authorized by other than scheduled United States air carriers.

(c) Any parcel, other than a parcel mailed at a rate of postage requiring priority of handling and delivery, not exceeding 30 pounds in weight and 60 inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 406(a) of this title, shall be transported by air on a space available basis on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, upon payment of a fee for such air transportation in addition to the rate of postage otherwise applicable to such a parcel not transported by air. If adequate service by scheduled United States air carriers is not available, any such parcel may be transported by air carriers other than scheduled United States air carriers.

(d) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service, for matter sent in the mails under authority of subsection (a) in this section.

(e) The Department of Defense shall transfer to the Postal Service as Postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, sums equal to the expenses incurred by the Postal Service, as determined by the Postal Service, in providing air transportation for mail mailed at or addressed to Armed Forces post offices established under section 406 of this title, but reimbursement under this subsection shall not include the expense of air transportation (1) for which the Postal Service collects a special charge to the extent the special charge covers the additional expense of air transportation or (2) that is provided by the Postal Service at the same postage rate or charge for mail which is neither mailed at nor addressed to an Armed Forces post office.

(f) This section shall be administered under such conditions, and under such regulations, as the Postal Service and the Secretary of Defense jointly may prescribe. (As amended Pub. L. 92–469, §§ 1, 2, Oct. 6, 1972, 86 Stat. 782, 783.)

AMENDMENTS

1972—Subsec. (b)(1). Pub. L. 92–469, § 1, substituted "15" for "5" pounds in cl. (B), redesignated former subsec. (b)(2) as (b)(1)(C), and deleted therefrom former cls. reading "(A) in an overseas area designated by the President under subsection (a) of this section, or (B) in an isolated, hardship, or combat support area overseas, or where adequate surface transportation is not available".

Subsec. (b)(2). Pub. L. 92–469, § 1, added subsec. (b)(2). Former subsec. (b)(2) redesignated subsec. (b)(1)(C).

Subsec. (b)(3). Pub. L. 92–469, § 1, substituted "15" for "5" pounds.

Subsec. (c). Pub. L. 92–469, § 2(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsecs. (d)–(f). Pub. L. 92–469, § 2(1), redesignated former subsecs. (c)–(e) as (d)–(f).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3402 of this title.

Chapter 36.—POSTAL RATES, CLASSES, AND SERVICES

§ 3626. Reduced rates.

If the rates of postage for any class of mail or kind of mailer under former sections 4358, 4359, 4421, 4422, 4452, or 4554 of this title, as such rates existed on the effective date of this subchapter, are, on the effective date of the first rate decision under this subchapter affecting that class or kind, less than the rates established by such decision, a separate rate schedule shall be adopted for that class or kind effective each time rates are established or changed under this subchapter, with annual increases as nearly equal as practicable, so that—

(1) the revenues received from rates for mail under former sections 4358, 4452 (b) and (c), 4554 (b) and (c) shall not, on and after the first day of the sixteenth year following the effective date of the first rate decision applicable to that class or kind, exceed the direct and indirect postal costs attributable to mail of such class or kind (excluding all other costs of the Postal Service);

(2) the rates for mail under former sections 4359, 4421, 4422, and 4554(a) shall be equal, on and after the first day of the eighth year following the effective date of the first rate decision applicable to that class or kind. to the rates that would have been in effect for such mail if this subparagraph had not been enacted; and

(3) the rates for mail under former section 4452(a) shall be equal, on and after the first day of the fifth year following the effective date of the first rate decision applicable to that class or kind, to the rates that would have been in effect for such mail if this subparagraph had not been enacted.

No person who would have been entitled to mail matter under former section 4359 of this title shall mail such matter at the rates provided under this subsection unless he files annually with the Postal Service a written request for permission to mail matter at such rates. (As amended Pub. L. 93–328, § 1, June 30, 1974, 88 Stat. 287.)

AMENDMENTS

1974—Pub. L. 93–328 substituted in subpar. (1) "sixteenth" for "tenth" year; in subpar. (2), substituted "under former sections" for "under sections", "eighth" for "fifth" year, and "subparagraph" for "subsection", and struck out reference to section "4452(a)" following "4422,"; and added subpar. (3).

CONSTRUCTION RESPECTING POSTAGE RATES REDUCTION UNAUTHORIZED

Section 2 of Pub. L. 93–328 provided that: "Nothing in section 1 of this Act [amending subpars. (1) and (2) and enacting subpar. (3) of this section] shall be construed to authorize a reduction in any rate of postage in effect and being paid on the date of enactment of this Act [June 30, 1974]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2401, 3627 of this title.

§ 3627. Adjusting free and reduced rates.

REFERENCES IN TEXT

The Federal Voting Assistance Act of 1955, referred to in text, is classified to section 1973cc et seq. of Title 42, The Public Health and Welfare.

§ 3684. Limitations.

REFERENCES IN TEXT

The Federal Voting Assistance Act of 1955, referred to in text, is classified to section 1973cc of Title 42, The Public Health and Welfare.

§ 3685. Filing of information relating to periodical publications.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 22 section 611.

Part V.—TRANSPORTATION OF MAIL

Chapter 50.—GENERAL

§ 5005. Mail transportation

* * * * *

(b)(1) * * *

* * * * *

(2) A contract under subsection (a)(4) of this section may be renewed at the existing rate by mutual agreement between the contractor or subcontractor and the Postal Service.

* * * * *

(As amended Pub. L. 92–286, May 1, 1972, 86 Stat. 133.)

AMENDMENTS

1972—Subsec. (b)(2). Pub. L. 92–286 substituted "contractor or subcontractor" for "holder".